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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/802,398

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Steve Toren Scott

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12/12/2006

Doreen J Gridley  
ICE Miller  
One American Square  
Box 82001  
Indianapolis, IN 46282

EXAMINER

PARDO, THUY N

ART UNIT

PAPER NUMBER

2165

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/802,398

Applicant(s)

SCOTT ET AL.

Examiner

Thuy N. Pardo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/16/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 11, 13-18 and 24-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 13-18 and 24-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 16, 2006 has been entered.
2. This Office Action is responsive to the Applicant's Amendment filed on October 16, 2006. Claims 1-9, 11, 13-18 and 24-29 are currently pending in this application. Claims 1, 11, 13 and 24 are independent claims, claims 10, 12, 19-23 were canceled, and claims 1, 11, 13 and 24 were amended. This Office Action is made Final.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an

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international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-9, 11, 13-18 and 24-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Huang et al. (Hereinafter "Huang") US Patent No. 5,953,707.

As to claim 1, Huang teaches the invention substantially as claimed, comprising:

means for processing project data [policy and target, 262 of fig. 24; 20 of fig. 7] to compare data entered by a user to at least one methodology to ensure that correct process is followed to establish a manufacturing capability to reliably produce parts of a given quality to a given set of specification [The user first acquires forecasts generated using different methods from the Demand Management Frame 130. After analyzing these forecasts and comparing the results, the user then selects the most appropriate one to be used., col. 25, lines 45-50; col. 30, lines 6-23];

means for storing and retrieving project data[DSS database of fig. 7], the project data storing and retrieving means operably connected to the processing means [product info, fig. 38, 60, 61, 64], and the project data comprising, for each of the at least one projects, a project identifier to identify the project [APPHeaderID, Appendix A, col. 111-112; product ID, fig. 53, 56], a project part identifier to identify the part of the project [fig. 70], a project supplier identifier to identify the supplier of the project [SupplyOrderID, Appendix A, col. 111-112], a project customer identifier to identify to customer of the project [CustomerID, fig. 48, 56-58],

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data representative of the at least one methodology of the project [aggregate Production Plan, col. 113-114], and data representative of the at least one control of the project [D for day; W for week...etc, col. 113-114].

Huang further teaches a methodology being indicative of at least one requirement [determine the production (supply) plan to meet the production (supply) requirements generated by the PSI Planning process, col. 12, lines 52 to col. 14, lines 3].

As to claim 13, Huang teaches the invention substantially as claimed as specified in claim 1 above. Huang further teaches a first database comprising data representative of at least one methodology applicable to the project [DSS frame decisions from systems integrator, fig. 37]; a second database comprising a project record for each of the at least one projects [production node, fig. 38; customer info product req, fig. 38; col. 92, lines 27 to col. 93, lines 61]; and means for controlling the progress of the at least one project, the controlling means operably connected to the first database and the second database, the controlling means using the indicated methodology(ies) of the project for such control [see supply chain network configurator, fig. 38; col. 92, lines 27 to col. 93, lines 61].

As to claim 2, Huang teaches the invention substantially as claimed. Huang further teaches that the project data storing and retrieving means comprises memory [inherent in the database system].

As to claim 3, Huang teaches the invention substantially as claimed. Huang further teaches a storage device [col. 100, lines 20-23].

As to claim 4, Huang teaches the invention substantially as claimed. Huang further teaches that the user operating system is able to selectively retrieve project data stored on the project data storing and retrieving means [col. 97, lines 31 to col. 99, lines 37].

As to claim 5, Huang teaches the invention substantially as claimed. Huang further teaches that the connection between the processing means the user system comprises a network [fig. 38].

As to claim 6, Huang teaches the invention substantially as claimed. Huang further teaches that the network comprises a global computer network [Global performance, col. 2, lines 35-38; col. 94, lines 36-50].

As to claim 7, Huang teaches the invention substantially as claimed. Huang further teaches that the global computer network comprises the Internet [col. 101, lines 7-8].

As to claim 8, Huang teaches the invention substantially as claimed. Huang further teaches that the system is capable of management of at least one sub-project [col. 197-198].

As to claim 9, Huang teaches the invention substantially as claimed. Huang further teaches that the project part comprises a family of parts, and the project part identifier includes a descriptive field to distinguish among the family of parts [col. 197-198].

As to claim 11, Huang teaches the invention substantially as claimed as specified in claims 1 and 13 above. Huang further teaches monitoring the computerized system for entry of data by the supplier identified by the supplier identifier of the project record [col. 149-150]; evaluating the entered data for relevance to the at least one requirements applicable to the project, and, if not relevant returning to step (c) [col. 13, lines 45 to col. 14, lines 4]; and comparing the entered data to the at least one measurement criterion of the relevant at least one requirement, and, if the entered data does not satisfy the at least one measurement criterion, returning to step (c) [col. 12, lines 51 to col. 13, lines 7]. Huang further teaches that at least one methodology including a document [fig. 54, 55; resources requirements, fig. 65], and at least one measurement criterion comprising a document complete indicator [indicators: “Symmetric, 7 segments” remarks for “enables to reach reasonable level”, “Symmetric, 5 segments” remarks for “less accurate”, and “Asymmetric, 7 segments” remarks for “reaches good levels for the highest cumulative values”, see table 14 of col. 84; fig. 31, 32].

As to claim 24, Huang teaches the invention substantially as claimed above. Huang further teaches an evaluation system operable by the processing means for evaluating the project in view of the project methodology, and for evaluating the sub-project in view of the sub-project methodology [evaluation of decision alternatives, col. 97, lines 2 to col. 98, lines 3; fig. 41-42].

As to claim 25, Huang teaches the invention substantially as claimed. Huang further teaches a reporting subsystem operable by processing means for reporting the evaluation of the project and subproject as determined by the evaluation subsystem [col. 34, lines 46 to col. 35, lines 3].

As to claims 27-28, Huang teaches the invention substantially as claimed, with the exception that the evaluation subsystem measures the risk of the sub-project based on the risk factors. However, this feature is inherent in the system in order to evaluate the project [col. 34, lines 46 to col. 35, lines 3].

As to claims 14-18, 26 and 29, all limitations of these claims are rejected in the analysis above, and these claims are rejected on that basis.

#### ***Response to Arguments***

4. Applicant argues that the Huang's modeling processes are decision making aids that help in forecasting and planning and are not methodologies that control the completion of a project.

As to this point, Examiner respectfully disagrees. Firstly, the term "methodology of the project" in the claimed invention is only an abstract idea and it does not constitute a statutory process in which the statutory process must result in a physical transformation. Secondly, Examiner also believes that Huang teaches this feature. Huang teaches a methodology that how



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to control a supply and demand reconciliation process, a capacity planning process, a vendor managed replenishment process, and a scenario management process of a supply chain [ab].

Applicant argues that Huang does not teach creating and storing at least one requirement applicable to at least one of the at least one projects of the supply chain.

As to this point, examiner respectfully disagrees. Huang teaches production requirements and a process to determine the production (supply) plan to meet the production (supply) requirements generated by the PSI Planning process [see col. 13, lines 45 to col. 14, lines 3].

Applicant argues that Huang does not teach a “methodology” as claimed in claims 1, 13 and 24.

Examiner respectfully disagrees. Huang teaches production requirements and a process to determine the production (supply) plan to meet the production (supply) requirements generated by the PSI Planning process [see col. 13, lines 45 to col. 14, lines 3]. Furthermore, Huang also teaches providing analytical decision methods (or models) based on “What-if scenario test” [see fig. 41; col. 61, lines 8-44].

Applicant argues that Huang does not teach an “evaluation system” as specified in claim 24.

Examiner respectfully disagrees. Examiner believes that Huang teaches this feature. Huang teaches an evaluation system operable by the processing means for evaluating the project in view of the project methodology, and for evaluating the sub-project in view of the sub-project methodology [evaluation of decision alternatives, col. 97, lines 2 to col. 98, lines 3; fig. 41-42].

Applicant's arguments have been fully considered but they are not persuasive.

***Conclusion***

5. This is a RCE of applicant's earlier Application No. 09/802,398. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy N. Pardo whose telephone number is 571-272-4082. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 09, 2006

A handwritten signature in black ink, consisting of a series of loops and a long, sweeping horizontal stroke at the bottom right.

**THUY N. PARDO**  
**PRIMARY EXAMINER**